

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MAISA KURDI, ) Case No.: 1:22-CV-00729-JLT-EPG  
Plaintiff, )  
vs. ) STIPULATION AND ORDER TO  
CALIFORNIA DEPARTMENT OF ) CONDUCT MENTAL  
TRANSPORTATION, ) EXAMINATION OF PLAINTIFF  
Defendant. )  
 ) (ECF No. 52)  
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Plaintiff Maisa Kurdi and Defendant California Department of Transportation, by and through their attorneys, hereby stipulate and agree as follows:

WHEREAS, Plaintiff Maisa Kurdi claims she suffers from ongoing severe emotional distress as the result of the action or inaction of her current employer, Defendant California Department of Transportation; and

WHEREAS, Plaintiff Maisa Kurdi alleges she has taken multiple trips to the hospital during her employment and has taken extensive time off, including emergency treatment and dialing 911 for ambulance assistance, and has sought treatment for her alleged severe emotional distress, anxiety, depression, and panic attacks from multiple providers and treaters over the past several years of Caltrans employment; and

1 WHEREAS, Plaintiff Maisa Kurdi testified in deposition in this matter that she suffers from  
2 ongoing severe panic attacks and anxiety; and

3 WHEREAS, Plaintiff's Maisa Kurdi claims of emotional distress are specific, ongoing,  
4 unusually severe, and central to the controversy;

5 The Parties therefore stipulate and agree as follows:

- 6 1. That Plaintiff Maisa Kurdi shall undergo a Psychiatric Examination conducted by an expert  
7 retained by Defendant named James E. Rosenberg, M.D. and presented as an expert  
8 psychologist; and
- 9 2. That the examination will be conducted on January 29, 2024 at 10:00 a.m. at Imagine  
10 Reporting – Fresno, 680 W. Shaw Avenue, Suite 206, Fresno CA 93704, 559.889.3837; and
- 11 3. That the protocols for the examination are set forth in the Description of Psychiatric  
12 Examination – 2023, attached hereto as Exhibit A, and only the tests explicitly identified in  
13 the description can be administered.
- 14 4. The examination and its questioning of Plaintiff Maisa Kurdi will be limited to the time  
15 period of 08/01/2011 to present and the parties will only provide the examining physician  
16 with records within that time period.
- 17 5. Plaintiff Maisa Kurdi may audio tape the session and the doctor will provide Maisa Kurdi's  
18 counsel with a copy of his audio tape of the session.

19 IT IS SO STIPULATED.

20 DATED: 01/19/2024

21 ERIN E. HOLBROOK, Chief Counsel  
22 ALAN M. STEINBERG, Deputy Chief Counsel  
23 GINA CARDOZA, Assistant Chief Counsel  
24 DANIEL D. O'SHEA, Deputy Attorney  
25 VALERIE J. VELASCO, Deputy Attorney

26 By /s/ Valerie Velasco for  
27 DANIEL D. O'SHEA  
Deputy Attorney  
California Department of Transportation

1 DATED:

JOHN A. SHEPARDSON

2 By /s/ John A. Shepardson

3 JOHN A. SHEPARDSON

4 Attorney for Plaintiff Maisa Kurdi

## ORDER

Based on the parties' stipulation (ECF No. 52), IT IS ORDERED as follows:

1. Plaintiff Maisa Kurdi shall undergo a Psychiatric Examination conducted by James E. Rosenberg, M.D.
  2. The examination will be conducted on January 29, 2024, at 10:00 a.m. at Imagine Reporting – Fresno, 680 W. Shaw Avenue, Suite 206, Fresno CA 93704, 559.889.3837.
  3. The protocols for the examination are set forth in the Description of Psychiatric Examination – 2023,<sup>1</sup> and only the tests explicitly identified in the description can be administered.
  4. The examination and its questioning of Plaintiff Maisa Kurdi will be limited to the time period of 08/01/2011 to present and the parties will only provide the examining physician with records within that time period.
  5. Plaintiff Maisa Kurdi may audio tape the session and the doctor will provide Maisa Kurdi's counsel with a copy of his audio tape of the session.

IT IS SO ORDERED.

Dated: **January 23, 2024**

/S/ Eric P. Grujic

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## UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> The stipulation filed on the record contains an exhibit describing the protocols for the examination. (ECF No. 52, p. 5).